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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/811,648	03/05/97	KIKINIS	D P1523CIP

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EXAMINER	
VAUGHN JR, W	
ART UNIT	PAPER NUMBER
2152	20

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 08/811,648	Applicant(s) KIKINIS, DAN	
	Examiner William C. Vaughn, Jr.	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 June 2001* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) *5,6 and 10-12* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,7-9 and 13-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

WCV

DETAILED ACTION

1. This Action is in response to the Reply and Amendment received 28 June 2001.

2. The application has been examined. Examiner acknowleges the cancellation of claims 5 and 6 as well as claims 10-12 and the Examiner will examine claims 1-4, 7-9 in addition to newly added claims 13-16.. The objections and rejections cited are as stated below:

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman, U.S. Patent No. 5,940,387.

5. Regarding **claim 1**, Humpleman discloses the invention substantially as claimed. Humpleman discloses *a multimedia data distribution system, comprising: a distribution system distributing and delivering public network protocol signals to the level of an individual asymmetric star home network bus* (Humpleman teaches a switching hub that enables special treatment for heavily asymmetric traffic, e.g. compressed digital video and internet data by directly routing these cases from transmitter to receiver), [Fig. 1, Col. 5, lines 42-67 and Col. 6, lines 1-27, *and a bridge adapter unit connected to the distribution system and to the asymmetric*

star wiring home network bus (Humpleman teaches that the system allows for local peripheral network that can be connected by a gateway to the internal network for interoperability), [Col. 4, lines 20-26] *and a converter connected to the asymmetric star wiring home network bus and having an outlet for connecting conventional single media and multimedia electronic devices* [Col. 3, lines 60-66] *and wherein the bridge adapter unit translates between the public protocol and the Local Area Network (LAN) protocol using hi-frequency, modulated network signals on the asymmetric star wiring home network bus, and to manage the asymmetric wiring home network bus a non-isochronous type bus (well known), and the converter converts the hi-frequency, modulated network signals on the asymmetric star wiring home network bus to a form required by one of the single media and multimedia electronic devices* (Humpleman teaches that the network connects the digital video, digital audio, computer and telephone equipment together internally into the home, which unifies communication and control within the home, making the full power of the external network connections or internal data sources available to any terminal on the network. As can bye understood that this allows for the conversion and translation of different types of equipment network together within the home. Humpleman also teaches hi speed network traffic such as compressed digital video and internet data being routing to and from the transmitter and receive. Humpleman also teaches another feature that allows for an asymmetrically wired home to a form required by one of the single media devices and that is having the set-top electronic device examine the addresses of the data packets it receives and perform a routing function for data that is not meant for this set-top electronics), [Col. 3,

lines 5-65 and Col. 5, lines 42-67]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have realized that the utilization of a gateway allows for translation as well as conversion of hi-frequency signals within an a asymmetric star wiring home network. However, Humpleman does not explicitly state that the bridge adapter unit has a single inlet port. Eventhough, Humpleman leads one to the position that one of ordinary skill in the art would have realized that the NIU's could have been physically combined within one interface.

6. In the same field of endeavor, Bingel discloses in an analogous art (e.g. data communications and telephony). Bingel discloses a bridge adapter unit that has a single inlet port (Bingel teaches a customer premise wiring is connected to a telephone line by way of a network interface that breaks off into a multiple group of connections (modem (e.g. DSL, ADSL, SDSL, etc), [see Bingel, Col. 6, lines 1-40].

7. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated the Bingel's teachings of data communications and telephony with the teachings of Humpleman's for the purpose of economically deployment of DSL, ADSL, SDSL, etc, communications channel simultaneously in combination with a POS communication on a telephone connection. By this rationale **claim 1** is rejected.

8. Regarding **claim 2**, Humpleman discloses *the single and multimedia electronic devices include telephones, personal computers, fax machines, and televisions running through set top boxes* [see Humpleman, Figure 1]. By this rationale **claim 2** is rejected.

9. **Claim 3** is substantially the same as **claim 1** and is thus rejected for reasons similar to those in rejecting **claim 1**.

10. **Claim 4** is substantially the same as **claim 2** and is thus rejected for reasons similar to those in rejecting **claim 2**.

Claim Rejections - 35 USC § 103

11. **Claims 5-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman-Bingel as applied to claims 1-4 above, and further in view of Timm et al. (Timm), U.S. Patent No. 6,055,268.

12. Regarding **independent claims 5, 7, and 10**, Humpleman-Bingel discloses the invention substantially as claimed (e.g. as in exemplary **independent claim 7**) discloses delivering public network protocol signals to the level of a home or business [see **Humpleman**, Col. 3, lines 5-31] and connecting addressable clients to the internal network (**Official Notice** is taken (see MPEP 2144.03)) and sending data from the public network to the bridge unit. However, Humpleman-Bingel do not explicitly discloses imposing a configurable bridge unit at the home or business between the public network and an internal network of the home or business, the bridge unit transferring data between the public and internal network and using at least a portion of the data to configure addresses for the clients.

13. In the same field of endeavor, Timm discloses in an analogous art multimode digital modem. Timm discloses a configurable bridge unit at the home or business between the public

network and an internal network of the home or business, the bridge unit transferring data between the public and internal network and using at least a portion of the data to configure addresses for the clients [Figs. 2a, 2b, Col. 9, lines 19-24, Col. 10, lines 45-67, Col. 11, line 1, and Col. 40, lines 19-24].

14. Accordingly, it would have been obvious to one or ordinary skill in the networking art to have incorporated Timm's teaching of multimode digital modems with the teachings of Humpleman-Bingel for the purpose of providing a DSL functionality using preselected common circuitry. It is also well known in the networking art for a portion of data to be utilized in configuring the addresses for the clients. This feature is well known with routers, gateways, and bridges.

15. Regarding **dependent claims 6, 8, 9, 11, and 12**, in which it recites features that are common in the networking art as well as being disclosed within the figures of Humpleman-Bingel and Timm. In addition to the limitation of storing both data and parameters of the LAN (**Official Notice** is taken (see MPEP 2144.03)), (It would have been obvious to one of ordinary skill in the networking art to have stored data and parameters of a LAN within a local hard disk). By this rationale **dependent claims 6, 8, 9, 11, and 12** are rejected.

Response to Arguments

16. Applicant's arguments and amendments filed on 28 June 2001 have been carefully considered but they are not deemed fully persuasive. However, because there exists the likelihood

of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main points of contention.

A. **Applicant's, declaration filed under 37 C.F.R. Section 1.132.**

B. **Applicant asserts, that Humpleman's system will not not operate on the existing telephone wiring of the site, which is precisely why Humpleman teaches complete re-wiring of the site.**

17. It is the Examiner's position that a prima facie case of anticipation and obviousness were made in Paper 16. With regards to Applicant's declaration, it is noted but self serving and deviates from esstople practice. With regards to Applicant's assertion that Humpleman's system will not operate on the existing telephone wiring of the site, and that Humpleman teaches complete re-wiring of the site. Applicant has not provided in proof of this assumption as well as showing specifically were within Humpleman does it state complete re-wiring of the site. It is clear to the Examiner that Humpleman does in fact teach the applicant's claimed invention. With regards to Applicant's argument regarding Humpleman teaching a separate cable running to each room in the house. In Figure 1, it clearly shows separate lines running from bridge adapter to the fax as well as the telephone. Again, Examiner would like to bring to Applicant's attention [Humpleman, Col. 3, lines 18-22], where it states that, "communication with the outside world is performed through a number of separate network interface units (NIU's) and **may be combined physically in an entrance unit** with each network interface unit permitting a connection between

a different external network and the home network." Humpleman also teaches unifying communication within the home [see Humpleman, Col. 3, lines 5-16].

18. With regards to newly added claims 13-16, the limitation of these claims are taught within the Figures of Humpleman and Bingel and Timm. By this rationale claims 13-16 are rejected.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on Monday through Friday from 8:00 to 4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (703) 305-4815. The fax phone number for this Group is (703) 746-7239 (**for "Official"** communications), or (703) 746-7238 (for **"After-Final"** communications) or (703) 746-5488 (use this Fax number only after approval by Examiner, for informal or draft communications. Please label **"PROPOSED" or "DRAFT"**). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

OR:

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Driver, Arlington, VA., Sixth Floor (Receptionist)

WCV

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Patent Examiner
AU 2152
September 4, 2001

ROBERT B. HARRELL
PRIMARY EXAMINER